

Amendment/Response

Reply to Office Action of May 17, 2006

REMARKS/DISCUSSION OF ISSUES

Claims 1-13 are pending in this application, with claims 14-40 being cancelled as being drawn to an unelected invention. Claims 1-2 and 10 are amended.

It should be noted that only claims 1-10 are rejected, while claims 1-13 are pending in this application. Applicant assumes that claims 11-13 are also rejected, if for no other reason than because they depend from a rejected base claim.

Rejections under 35 U.S.C. § 102(b)

Claims 1-7 and 10 are rejected under 35 U.S.C. § 102(b) as anticipated by Nishida (US Patent 5,584,941). The rejection of the claims, as amended, is respectfully traversed.

For anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly (MPEP 706.02 IV).

The Examiner states that Nishida discloses an electrically conducting film 202 deposited on a substrate. Applicant wishes to point out that in Nishida, that layer 202 is a metal oxide layer and not a metallic layer as required by claim 1. However, Applicant did notice that Nishida does indeed show in Figs. 1A-1D a metal layer 106 on a metal substrate 101, which reads on the prior unamended claim 1. Applicant therefore amends claims 1 and 2 to restrict the claimed invention to a non-metallic substrate. A metallic film on a non-metallic substrate is not disclosed in Nishida nor any of the previous prior art references cited.

It should also be noted that in photocell inventions, the various layers form a "sandwich" in which the current flow is from the top sandwich film to the bottom sandwich film, or vice versa. In other words, the current flow is perpendicular to the film surfaces. In the claimed invention, this is not the case. In the claimed invention, the current flow is parallel to the film surfaces instead of perpendicular as in all the photovoltaic cell inventions.

It is respectfully suggested that the rejection of Claim 1 under 35 U.S.C. § 102 (b) as being anticipated by Nishida is overcome. Claims 2-7 and 10, being dependent upon and further limiting independent claim 1 should be allowable for that reason as well as for the additional

Amendment/Response

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limitations they contain. Reconsideration of the rejection of claims 1-7 and 10 under 35 U.S.C. § 102 (b) is therefore respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishida. Reconsideration of the rejection of claims 8-9 is respectfully requested.

Claims 8-9 (and claims 11-13) being dependent upon and further limiting independent claim 1 should be allowable for that reason as well as for the additional limitations they contain. Reconsideration of the rejection of claims 8-9 (and claims 11-13) under 35 U.S.C. § 103(a) is therefore respectfully requested.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated or by e-mail directed to Chris@PatentingServices.com.

Amendment/Response

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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "C. Pastel", is written over a horizontal line.

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